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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,569	02/26/2002	Stephen Savitzky	015358-007100US	8958
20350	7590	08/08/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			GEREZGIHER, YEMANE M	
		ART UNIT	PAPER NUMBER	
			2144	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/085,569	SAVITZKY ET AL.
	Examiner Yemane M. Gerezgiher	Art Unit 2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 March 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 February 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. The response received on 02/06/2006 and/or 03/09/2006 has been entered. Claims 29-32 are cancelled and claims 1-28 remain pending in this application.

Response to Arguments

2. Applicant's arguments filed 02/06/2006 have been fully considered but they are not persuasive.

The inventive entity asserts that "...Kennedy does not appear to teach or suggest 'transmitting a copy of the first document in the original document format from he client to the first server" (Applicant's Remark, Page 8, ¶4).

*[0036] *ID*ata file 38 for document 12 is converted into a standard or predetermined file format...defined so as to be compatible with document distribution services 24 of document distribution providers 22. Thus, user 14 can consider all document distribution services 24 for document 12. An example of a standard or predetermined file format includes a PDF (Portable Document Format) file format. *Id.*, emphasis added.*

Remark, Page 9, ¶2

The inventive entity further states that, "Kennedy teaches away from transmitting a copy of the first document in the original document format as recited in claim 1" (Remark, Page 9, ¶5).

The examiner respectfully disagrees with applicant's contention for the following reasons:

Examiner notes that Kennedy taught (see Kennedy, Figs. 1, 3 and 5; Page 3, ¶0035, Page 4, ¶0043, Page 5, ¶0055 and ¶0060) transmitting a copy of a document to the distribution server as is, which simply implies transmitting a copy of the same format document to the distribution server as recited in the amended claims.

It is true that the teachings of Kennedy disclosed conversion of document formats to enable distribution servers with different platforms to be able to make use of the document distribution in a format compatible with the distribution service. However, this teaching unlike pointed out by the inventive entity (see Remark Page 8, ¶4 through Page 9, ¶3) is a *step ahead* functional limitation, which is **presented in an alternative embodiment** (omitted language of the ¶0036 as disclosed above in the applicant's remark) of Kennedy's disclosure as recited below:

[0036] **In one exemplary embodiment**, data file 38 for document 12 is converted into a standard or predetermined file format. The standard or predetermined file format is defined so as to be compatible with document distribution services 24 of document distribution providers 22. Thus, user 14 can consider all document distribution services 24 for document 12. An example of a standard or predetermined file format includes a PDF (Portable Document Format) file format.

Thus, it is the examiner's position that Kennedy disclosed transmitting the document without changing the format and further in another embodiment performing a data conversion from an original format to another compatible format such as described PDF format. Having that said, this additional positive limitation does not "**teach away**" the claimed invention in any way. In fact it only additionally provide another alternative option to distribute document to distribution servers that are platform dependent.

Furthermore, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10-12, 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (US 20020111911 A1) hereinafter referred to as Kennedy.

As per claims 1 and 10, Kennedy disclosed:

A method for distributing documents, (Title and Abstract) comprising: producing a first identifier, the first identifier including first information indicative of a first server; [Fig. 3, Page 1 ¶0005 and Page 3, ¶s 0033-0038, Kennedy disclosed a server creating a list and transmitting the generated list to a user, since the list is transmitted via a communication network in a TCP/IP environment (see Page 2, ¶0028), the transmitted list inherently comprises some sort of source identifier such as a URL/URI or other header identifier that shows to the source of the list].

transmitting the first identifier from the first server to a client based upon at least a request from the client to create the document on the first server in an original document format, the client associating the first identifier with the first document [Kennedy, Figs. 1, 3 and 5; Page 3, ¶0035, Page 4, ¶0043, Page 5, ¶0055 and ¶0060];

transmitting a copy of the first document to the first server [Fig. 3, Page 3, ¶0038 and Page 4, ¶0045];

transmitting a commit request to the first server [Page 3, ¶0041 through Page 4, ¶0043]; and

in response to the commit request, the first server becoming responsive to download requests from one or more distribution servers for one or more copies of the first document, the download requests containing the first information [Page 3, ¶0038-0039, ¶0041, Page 4, ¶0045, Page 5, ¶0055 and ¶0060, Kennedy disclosed distributing the document to the recipients in accordance with the distribution list associated with the document].

Kennedy substantially disclosed the invention as claimed. However, Kennedy was silent about sending a commit signal to the server. However, an artisan now working with the invention of Kennedy can clearly see that Kennedy disclosed receiving user selection of distribution addresses/list; and once the selection is done and sent back to the controller server; the distribution of the document is performed (see Page 3, ¶0035-0041). Nevertheless, it is commonly known and widely practiced feature to send a commit signal in a communication network. By definition, a commit command is an Oracle™ reserved word instructing the database to save all changes made to the database. Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make use of a commit signal/command and have modified the teachings of Kennedy in order to notify/inform a file server about a completion of any modification made to the information data and to save the changes made.

Claim 15, has substantially similar limitations as in claim 1 above. Thus, it is rejected with the same rationale. Furthermore, associating a second identifier with the first identifier including the first information was known in the art at the time the invention was made. For example, the WayBackMachine ©/™ (Internet archive, which can be accessed by links (www.archive.org OR www.waybackmachine.org) functions in that exact manner (e.g. archiving a document with "<http://www.mit.edu/>" would produce the following identifiers <http://web.archive.org/web/20041118011936/http://mit.edu/> [associating a second identifier of a document (<http://web.archive.org/web>) and the first identifier identifying the first (original, <http://mit.edu/>) identifier including the information in the first document]. Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Kennedy related to document distribution with addressing of the identifiers in order to preserve the original source identifier of a document.

Claim 24, has substantially similar limitations as in claims 1 and 10. Thus, it is rejected with the same rationale. Further, since the invention of Kennedy was carried out using a computer system, a computer program/code tangibly embodied in a computer readable medium, having therein a series of executable codes and when executed by the computer system to perform the claimed invention as recited in claims 1 and 10 was inherently disclosed by Kennedy.

As per claims 2, Kennedy disclosed the distribution list identifying one or more other servers [Page 3, ¶0038-0039 and Page 4, ¶0045].

As per claim 3, Kennedy disclosed the notification list identifying one or more users [Figs. 4&5 and Page 3, ¶0041-0043].

As per claims 4, 21, 26 and 27, Kennedy disclosed initiating a sequence of operations between the first server and a second server so that the first document is transferred from the first server to the second server in the original format, the download request including the first information [Page 4, ¶0046-0048].

As per claim 5, Kennedy disclosed distributing the first document to a second server in response to the commit request [Page 4, ¶0045-0047 and Figs. 1,2&5].

As per claims 6, 11 and 22, Kennedy disclosed transferring the first document to at least one intermediate server to produce an intermediate copy in the original format, and transferring the intermediate copy from the at least one intermediate server to the second server [Page 1, ¶0011, page 2, ¶0021-0023, Page 4, ¶0045-0047, Fig. 1, Page 3, ¶0035, Page 4, ¶0043, Page 5, ¶0055 and ¶0060, Kennedy disclosed transmitting a copy of the document to at least one of the document distribution providers, and the distribution provider transmitting the copy further to the distribution service].

As per claim 16, wherein the first plurality of servers is the same as the second plurality of servers (Kennedy, Fig. 1, document distribution servers)

As per claim 17, wherein the first plurality of servers is different from the second plurality of servers (Kennedy, page 4, ¶0046-0047).

As per claim 18, wherein the first document is associated with a first distribution list identifying the first plurality of servers (Kennedy, Page 3, ¶0036-0038 and page 5, ¶0060-0061)

Claim 19, has substantially similar limitation as in claim 18. Thus, it is rejected with the same rationale.

Claims 20 and 25 have substantially similar perception as recited in claim 15 above. Therefore, they are rejected with the same rationale.

As per claims 7, 12 and 23, Kennedy disclosed informing the second server of a distribution request [Page 5, ¶0054-0056]; and in response to the distribution request, the second server initiating a sequence of operations with the first server to transfer the first document to the second server [Page 5, ¶0057-0061 and Figs. 1, 2].

3. Claims 8, 9, 13, 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (US 20020111911 A1) in view of Heddaya et al. (U.S. Patent Number 6,250,481) hereinafter referred to as Heddaya.

Kennedy substantially disclosed the invention as claimed. However, was silent about randomly generating a naming component of an identifier; detecting a change or modification to a document at a first server and if so, in response to the step of detecting, a second computer/server initiating a

sequence of operations with the first server to get an updated version of the document presence of an updated document at the first server; and where the first server transmits the updated document to other distribution servers.

However, as correctly admitted by the inventive entity (see specification on page 7, lines 11-16), randomly generating an identifier or a naming component of an identifier was commonly known technique in the art of computer networks. Furthermore, as evidenced by the teachings of Heddaya, detecting a change or modification to a document at a first server and if so, in response to the step of detecting, a second computer/server initiating a sequence of operations with the first server to get an updated version of the document presence of an updated document at the first server; and where the first server transmits the updated document to other distribution servers was known in the art at the time the invention was made. See Heddaya, col. 3, line 50 – col. 4, line 48 and col. 16, lines 1-63. Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Heddaya related redistributing of updated documents among plurality of intermediate distribution server and have modified the teachings of Kennedy related to document distribution, because such a modification would “eliminate the need for servers to be pooled periodically by large number of cache servers to check for content freshness, thereby reducing the load on the servers” (col. 4, lines 44-47).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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